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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *MTB*

DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JEFF K. GREEN, on behalf of himself and all  
others similarly-situated and the general  
public,

Plaintiff,

vs.

PENSKE LOGISTICS, L.L.C., et al.,

Defendants.

CASE NO. 09CV69 DMS (CAB)

**ORDER GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND JUDGMENT**

This matter came on for hearing on May 28, 2010, at 1:30 p.m., in Department 10 of the above-captioned court on Plaintiff's Motion for Final Approval of Class Action Settlement, the Settlement Agreement and Joint Stipulation ("Settlement Agreement") and this Court's Order Granting Preliminary Approval of Class Action Settlement dated February 2, 2010.

In accordance with the preliminary approval order, Class Members were given notice of the terms of the Settlement and the opportunity to submit a claim, request exclusion, comment upon or object to it or any of its terms. Having received and considered the proposed Settlement, the supporting papers filed by the Parties, and the evidence and argument received by the Court in conjunction with the Motion for Preliminary Approval of Class Action Settlement granted on February 2, 2010, and the Motion for Final Approval, the Court grants final approval of the Settlement and **HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:**

1. Pursuant to the Order Granting Preliminary Approval of Class Action Settlement dated

1 February 2, 2010, a Notice of Class Action Settlement ("Notice"), Claim Form, and pre-printed return  
2 envelope were sent to each member of the Class by first-class mail. The Notice informed the class of  
3 the terms of the Settlement, their right to receive their proportional share of the Settlement by  
4 submitting a valid and timely Claim Form, of their right to request exclusion, of their right to comment  
5 upon or object to the Settlement, and of their right to appear in person or by counsel at the final  
6 approval hearing and to be heard regarding approval of the Settlement. Adequate periods of time were  
7 provided by each of these procedures. No member of the Class filed written objections to the proposed  
8 settlement as part of this notice process or stated an intention to appear at the final approval hearing.

9         2. The Court finds and determines that this notice procedure afforded adequate protections  
10 to Class Members and provides the basis for the Court to make an informed decision regarding  
11 approval of the Settlement based on the response of the Class. The Court finds and determines that  
12 the notice provided in this case was the best notice practicable, which satisfied the requirements of law  
13 and due process.

14         3. The Court further finds and determines that the terms of the Settlement are fair,  
15 reasonable and adequate to the Class and to each Class Member and that the Settlement is ordered  
16 finally approved, and that all terms and provisions of the Settlement should be and hereby are ordered  
17 to be consummated.

18         4. The Court finds and determines that the Settlement payments to be paid to Participating  
19 Class Members as provided for by the Settlement are fair and reasonable. The Court hereby gives final  
20 approval to and orders the payment of those amounts be made to the Participating Class Members in  
21 accordance with the terms of the Settlement.

22         5. The Court determines by separate order the requests by Plaintiffs and Class Counsel  
23 for the payment of the Class Representative Enhancement Payment, Class Counsel's attorneys' fees  
24 and costs, and the claims administrator's fees and costs in administering the settlement. Any Court  
25 Order regarding the application for these payments shall in no way disturb or affect this Order and  
26 shall be considered separate from this Order.

27         6. Without affecting the finality of this order in any way, the Court retains jurisdiction of  
28 all matters relating to the interpretation, administration, implementation, effectuation and enforcement

1 of this order and the Settlement.

2 7. Nothing in this order shall preclude any action to enforce the Parties' obligations under  
3 the Settlement or under this Order, including the requirement that Defendant make payments to  
4 Participating Class Members in accordance with the Settlement.


5 8. The Court hereby enters final judgment in this case in accordance with the terms of the  
6 Settlement, Order Granting Preliminary Approval of Class Action Settlement, and this Order.

7 9. The Parties are hereby ordered to comply with the terms of the Settlement.

8 10. The Parties shall bear their own costs and attorneys' fees except as otherwise provided  
9 by the Settlement and the Court's Order Granting Award of Attorneys' Fees, Costs, Class  
10 Representative Incentive Payment and Claims Administration Expenses.

11 **IT IS SO ORDERED.**

12 DATED: May 28, 2010

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15 HON. DANA M. SABRAW  
16 United States District Judge  
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